



**PORT MARINE SAFETY CODE**

**SAFETY MANAGEMENT SYSTEM**

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## **STATEMENT OF COMMITMENT**

Shoreham Port is committed to undertaking and regulating marine operations to safeguard all its harbour areas, its users, the public and the environment.

Shoreham Port aims to run a safe, efficient, cost-effective, sustainable harbour operation for the benefit of all users and the wider community.

Shoreham Port is committed to full compliance with all legal requirements and the Port Marine Safety Code and to meet these requirements in all its operations, while seeking to meet the changing needs of all harbour users.

Shoreham Port is committed to ensuring that all its employees, contractors and port users are well informed, well trained, engaged and committed to the requirements of the Port Marine Safety Code. Shoreham Port recognises that safe operations depend not only on technically sound equipment but on competent people and an active Safety Management culture. Nothing in Shoreham Port takes precedence over safety and all who work or use the port have an obligation to contribute to port safety. Shoreham Port is fully committed to undertaking hazard identification and risk assessments and to record incidents. It will ensure that staff are properly trained for emergencies and contingencies. It will provide a high quality and efficient pilotage service and it will regulate the activities throughout the harbour ensuring that all national legislation, local byelaws and directions are complied with and enforced.

Shoreham Port welcomes the interest and participation of all stakeholders in maintaining and improving the awareness of safety within the port. To this end a line of communication will be opened with relevant stakeholders/Port Users Group to ensure the promulgation of relevant information.

It is our goal to constantly improve the standard of safety and safety awareness in the port.

Chairman Shoreham Port: Dennis Scard

Date: 21<sup>st</sup> December 2009

## REVISION RECORD

| <b>Date</b>     | <b>Description</b>           | <b>Issued by</b> | <b>Checked by</b> | <b>Approved by</b> |
|-----------------|------------------------------|------------------|-------------------|--------------------|
| 01 May 2009     | Draft 1.0 issued for comment | MGC              |                   |                    |
| 01 January 2010 | Version 1.0                  | JPS              | RL                | DS                 |
| 25 October 2010 | Operational staff changes    | JPS              | RL                | DS                 |
|                 |                              |                  |                   |                    |
|                 |                              |                  |                   |                    |

## DISTRIBUTION LIST

| <b>Copy No.</b> | <b>Holder</b>   |                 |
|-----------------|---|-----------------|
| 01              | Mr D Scard – Chairman of the Board                      | Hard Copy       |
| 02              | Mr J May – Deputy Chairman of the Board                 | Electronic Copy |
| 03              | Mr B Blundell - Member of the Board                     | Electronic Copy |
| 04              | Mrs F Morris - Member of the Board                      | Electronic Copy |
| 05              | Mr J Rodway - Member of the Board                       | Electronic Copy |
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| 08              | Mr D Turner - Member of the Board                       | Electronic Copy |
| 09              | Mr R Stiles - Member of the Board                       | Electronic Copy |
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| 11              | Mr J Seaman – Harbour Master                            | Hard Copy       |
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| 13              | Mr W Barker – Deputy Harbour master/Marine Operations   | Electronic Copy |
| 14              | Marine Operations Room                                  | Hard Copy       |
| 15              | Shoreham Harbour Radio                                  | Hard Copy       |
| 16              | Mr P Chalmers – Pilot                                   | Electronic Copy |
| 17              | Mr K Stewart – Pilot                                    | Electronic Copy |
| 18              | Mr D Macvicker – Pilot                                  | Electronic Copy |
| 19              | Mr C Jones – Pilot                                      | Electronic Copy |
| 20              | Mr R Johnston – Senior Lock Co-ordinator                | Electronic Copy |
| 21              | Mr M Stoner - Lock Co-ordinator                         | Electronic Copy |
| 22              | Mr S Gates - Lock Co-ordinator                          | Electronic Copy |
| 23              | Mr A Geal - Lock Co-ordinator                           | Electronic Copy |
| 24              | Mr D Smith - Lock Co-ordinator                          | Electronic Copy |
| 25              | Mr J Gray – Tug Master                                  | Hard Copy       |
| 26              | Mr D Todman – Deputy Tug Master                         | Electronic Copy |
| 27              | Mr M Wilton – Marine Assistant                          | Hard Copy       |
| 28              | Mr C Pengilly – Marine Assistant                        | Hard Copy       |
| 29              | Mr C Bunby – Senior Coxswain                            | Electronic Copy |
| 30              | Mr C Landale - Coxswain                                 | Electronic Copy |
| 31              | Mr P Watts – Coxswain                                   | Electronic Copy |
| 32              | Mr A Davey – Coxswain                                   | Electronic Copy |
| 33              | Mr K Laker - Coxswain                                   | Electronic Copy |
| 34              | Nautilus House Reception                                | Hard Copy       |
| 35              | Mr T Parker - Port Engineer                             | Electronic Copy |
| 36              | Mrs S Bassett – Financial Controller                    | Electronic Copy |
| 37              | Mr A Motterham – General Manager Sussex Port Forwarding | Electronic Copy |
| 38              | Mr P Johnson – Health and Safety Manager                | Electronic Copy |

## DESIGNATED PERSON

In compliance with the Port Marine Safety Code a Designated Person has been appointed.

See section 1.5.

### Contact

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## **RESPONSIBILITIES OF THE DUTY HOLDER**

The Board at Shoreham Port is the Duty Holder. The Board members shall have read and understood the Port Marine Safety Code and shall strive to meet the standards required. They will ensure that the guidance given in the Guide to Good Practice for Port Marine Operations is heeded.

The Harbour Authority is accountable for managing operations in the Harbour safely and efficiently, and the Duty Holder is responsible for ensuring that it does so, as the Duty Holder is under a duty to ensure that the Harbour Authority fulfils its duties in compliance with the Port Marine Safety Code and has an effective Safety Management System for this purpose.

Although the Duty Holder is able to appoint professional people to operate the Harbour they cannot assign accountability. Further, they may not abdicate accountability due to lack of particular skills.

Chairman Shoreham Port: Dennis Scard

Date: 21<sup>st</sup> December 2009

## MARINE SAFETY POLICY

This safety policy adds to any existing safety policy required by the Health and Safety at Work etc Act 1974 and relates to Marine Operations and the requirements of the Port Marine Safety Code.

The harbour authority is committed to:

- Manage its relevant assets safely and efficiently
- Discharge its duties and powers in relation to marine operations
- Maintain relevant harbour equipment to agreed industry standards
- Recruit and train operational staff to nationally agreed competence levels
- Ensure that staff are properly trained for emergencies and contingencies

In making these commitments, the Harbour Authority has appointed the **Harbour Master** to fulfil the role of marine operations safety officer.

This officer will be responsible for the following:

- Ensuring all risks are assessed and reduced to 'as low as reasonably practical'
- Reporting, investigating and recording all accidents, and ensuring that lessons learnt are widely disseminated to appropriate persons and bodies
- Carrying out routine safety inspections on marine operations equipment and reassessing risks as appropriate
- To form and chair an appropriate safety committee or committees, liaise regularly with all those involved with marine operations, and to act appropriately to feedback
- To review this safety policy and recommend revisions to the Board at least every 3 years.

Chairman Shoreham Port: Dennis Scard

Date: 21<sup>st</sup> December 2009

## STATEMENT OF POLICY AND RESPONSIBILITY

Shoreham Port, being the Harbour Authority will ensure that Shoreham Port is operated efficiently and safely so as to safeguard the port, its users, the public and the environment. It is committed to performing all its duties and responsibilities in a safe and efficient manner.

The Harbour Authority will:

- Comply with all legal requirements
- Aim to meet the national requirements of the Port Marine Safety Code
- Heed the Guide to Good Practice on Port Marine Operations, published by the Department for Transport (Ports Division)

The Harbour Authority's functions will be conducted openly and transparently in the overall long-term interests of the port's stakeholders and beneficiaries.

In fulfilling its duties the Harbour Authority is committed:

- To ensuring as far as reasonably practical the safety of all those who use and work in the harbour
- To facilitating safe navigation in the harbour and its approaches, and safeguarding the navigational access to and from the harbour
- To providing and maintaining viable harbour facilities
- To regulating the activities of all those who use the harbour and ensuring that the law is enforced whenever appropriate
- To conserving the environment and maintaining approved pollution prevention and nature conservation measures
- To formally review the Harbour Authority's plans, policies and procedures at intervals of five years or less

This Statements of Policy and Responsibility was approved by the Board for and on behalf of the Harbour Authority on 21<sup>st</sup> December 2009.

# **1 Introduction**

## **1.1 Scope and Purpose**

Shoreham Port recognises it has a duty as Harbour Authority to take reasonable care, so long as the harbour is open for public use, to ensure that all who choose to navigate within its harbour limits may do so without danger to their lives or property. This includes an obligation to conserve and facilitate the safe use of the harbour, protect the environment and a duty of care against loss caused by the authority's negligence.

Shoreham Port recognises its duties to serve this public interest through the powers conferred on it as a Harbour Authority. It recognises the need for it to ensure that it has the systems and procedures in place to ensure the safe and efficient use of the harbour by those who have a right to use its facilities. In line with this responsibility, Shoreham Port has in place a Safety Management System which meets the requirements of the Port Marine Safety Code and gives guidance to its personnel and enables a transparent and auditable system of safe operations.

This document lays out the Safety Management System and the general philosophy and approach to managing marine operations in all of Shoreham Port in a safe manner.

This document is supported by a number of other documents and records, which make up the Safety Management System, in particular:

- Policy Documents;
- Standard Operating Procedures and associated Standard Forms;
- Job Descriptions and Training Records;
- Documented Targets and Objectives;
- Safety Records and Incident Reports; and
- Shoreham Port Authority Risk Register for Marine Operations

## **1.2 Designation of Harbour Authority**

Shoreham Port is authorised under the Harbours Docks and Piers Act 1847, Harbour Act 1964, the Pilotage Act 1987 as amended, to exercise harbour jurisdiction and powers in relation to the harbour areas therein defined.

## **1.3 Duties and Responsibilities**

The duties and responsibilities as they relate to the management of port marine safety and the Port Marine Safety Code are described below.

### **1.3.1 Shoreham Port as the Harbour Authority**

Shoreham Port as the Harbour Authority is the Duty Holder as defined by the Port Marine Safety Code.

As the Harbour Authority, Shoreham Port recognises that under the requirements of the Port Marine Safety Code, it is accountable for the discharge of its duties and powers as the designated Harbour Authority. The Board has the responsibility for ensuring that Shoreham Port's duties and powers as Harbour Authority are met and discharged. Board members are collectively and individually responsible for the proper exercise of its legal duties as a

Harbour Authority. It follows that the Board will have an appropriate understanding of Shoreham Port's Safety Management System

Shoreham Port as the Harbour Authority has a number of powers, duties and responsibilities, these include:

- Duty to ensure an effective Safety Management System is in place as defined by the Port Marine Safety Code. This duty embraces:
  - Development and maintenance of its harbour areas to meet the requirements of port users and safe operation of its harbour areas;
  - Development and implementation of appropriate policies, plans and procedures;
  - Ensuring that risk assessments and reviews of the safety management system are undertaken as required;
- Duty to adopt appropriate powers as required for effective enforcement of its statutory duties (Harbour Byelaws & directions);
- Responsibility for setting harbour dues at a level, which adequately funds the discharge of their duties;
- Powers to appoint a Harbour Master;
- Duty to provide marine services and facilities to meet their obligations as Harbour Authority.

Shoreham Port is also designated as Competent Harbour Authority under the Pilotage Act 1987. As such, Shoreham Port has a number of duties and responsibilities pertaining to the provision of a pilotage service:

- Provision of pilotage services to meet their obligations under the Pilotage Act 1987.
- Authorisation and discipline of pilots and issue of pilotage exemption certificates.

### **1.3.2 Members of the Board**

*Chairman*

Mr D Scard

*Deputy Chairman*

Mr J May

*Members*

Mr B Blundell

Mrs F Morris

Mr J Rodway

Commodore J Fanshawe

Mr H Loomes

Mr D Turner

Mr R Stiles

The Board has powers to appoint a harbour master, and to authorise pilots, and may properly entrust the operation of the harbour to such professional people; but they cannot assign their accountability. **Board members may not abdicate accountability on the grounds that they do not have particular skills.** They retain strategic oversight and direction of all aspects of the harbour operation. They must ensure that powers are discharged but not exceeded.

### **1.3.3 Operational Staff**

#### **Chief Executive**

Responsible to the Board for the operational and financial control of the port. He will advise the Board on all matters related to its duties and powers. He will oversee the implementation of its policies and decisions and has overall executive responsibility for the safety of operations and staff.

#### **Harbour Master**

Operationally responsible for the safety of navigation in the harbour and exercising the authorities operational powers with respect to the safety of all marine activities in the harbour and its approaches.

Recruitment and training.

Pollution prevention and control.

Security and compliance with the ISPS Code

Control and regulation of Hazardous Cargo, Dangerous Vessels and Wrecks

Emergency plans and emergency response.

Meeting the requirements of the Local Lighthouse Authority.

The management of dredging and the obtaining of the necessary permits.

The management of the Hydrographic section

#### **Deputy Harbour Master / Senior Pilot**

Responsible for the day to day management of the Shoreham Port Pilotage Service and deputising for the Harbour Master in his absence.

## **Deputy Harbour Master / Marine Operations**

Responsible for the day to day management of the marine operations department including Shoreham Port Information Service, collection of tidal/weather data and deputising for the Harbour Master in his absence. Custodian of the Safety Management System.

## **Assistant Harbour Master/Pilot**

Responsible for the day to day management of the Pilotage Service with the Deputy Harbour Master / Senior Pilot and physical port security.

## **Duty Pilot**

Responsible for efficiently programming commercial vessel movements for the current and forthcoming tide. Safely navigating piloted vessels to and from their allocated berths and overseeing navigation issues on the commercial tide.

He is the Harbour Master's representative and has the Harbourmaster's powers in his absence.

## **Stand-by Pilot**

Responsible for assisting the Duty Pilot to meet the pilotage demands.

## **Lockmaster**

Responsible for the safe and efficient management of all marine operations and vessel movements through the port. Handle marine communications through Shoreham Harbour Radio and disseminate the relevant information to the correct stakeholders.

In the absence of the Duty Pilot, he is the Harbour Master's representative.

## **Pilot Boat Coxswain**

Responsible for the safe and efficient operation of the Pilot Boats and in particular the safe boarding and landing of pilots and marine personnel.

## **Second Coxswain**

Responsible as a deckhand for boarding and landing of pilots and personnel to and from vessels. Assists the Lockmaster in the safe and efficient management of marine operations, marine communications and vessel movements through the Prince Philip and Prince George locks.

## **Tug Master**

Responsible for the day to day management of the marine services section of the marine department with special responsibility for, Bed Levelling, Towage, Workboats and Marine Maintenance.

## **1.4 Consultation Policy**

The Port Marine Safety Code emphasises the importance of consultation with all stakeholders. This includes all those who work in Shoreham Port, pilot's, the harbour master and his navigation staff including Harbour radio, lockmasters, towage providers and tugmasters, berthing parties, masters and ship's officers with pilotage exemption certificates and all those that use the port both for commercial and leisure purposes as well as residents that reside close to the port.

### **1.4.2 Consultation Process**

The Shoreham Port Safety Management System has been developed through a process of risk assessment and consultation. Consultation is an ongoing process and stakeholders were involved in the development of the safety management system:

In order to facilitate ongoing consultation, a number of user groups have been established; these groups meet on a six monthly basis, and include:

- Works Council
- Pilotage Committee
- Harbour Radio Committee
- Shoreham Port Health and Safety Committee
- Port Marine Safety Code Working Group
- Port Security Committee
- Port Users Group
- Local Authority Liaison Group

### **1.4.3 Relevant Stakeholders**

Port Employees

Local Community

Ship Owners

Shipping Agents

Private Wharfingers

Terminal Operators

Fishermen

Yacht Clubs and Marinas

Leisure users

RNLI

Maritime and Coastguard Agency

Local Authorities

Control Agencies

Other Agencies

## 1.5 Designated Person

The Port Marine Safety Code requires that each Harbour Authority appoint a Designated Person to oversee the Harbour Authority's obligations in respect of the provision of an effective safety management system. The function of the designated person is to provide independent assurance directly to the duty holder that the safety management system is working effectively.

The person or persons to whom this function is entrusted must have direct access to the highest level of the Authority.

The Designated Person shall act as the external auditor and will audit the Safety Management System at least bi-annually and his written reports will go before the Board at the next Board meeting. The Designated Person will attend before the Board to speak to his reports at least annually.

The contact details of the 'Designated Person' are on page 7 of this document.

## 1.6 Jurisdiction of Shoreham Port Authority

Shoreham Port has jurisdiction over the harbour areas shown below.



## **1.7 Port Marine Operations**

Port marine operations within Shoreham Port are diverse and range from oil tankers and cargo ships to small leisure vessels. Port marine operations are those which facilitate the safe use of the harbour by all vessels. This Safety Management System does not replace or duplicate any other legal or administrative requirement and it does not deal with matters that are regulated by the Health and Safety Executive. However it is intended that where possible this Safety Management System will dovetail with other safety, environmental, emergency and management systems in use. Port marine operations within these areas, to which this Safety Management System applies, are summarised below.

- Vessels entering and leaving the port.
- Vessels moving within the port.
- The operation of all pilot vessels, tugs, launches, dredgers and other survey and support vessels.
- Leisure activities involving vessels and other craft including personal water craft (PWC).

## **1.8 Shoreham Port Health and Safety Policy Statement**

Shoreham Port Authority (SPA) recognises and accepts its responsibilities as an employer for providing, so far as is reasonably practicable, a safe and healthy workplace and working environment for all its employees and other users of Authority premises. Moreover, as employers, the Authority must comply with the requirements of the Health and Safety at Work Act 1974 the Docks Regulations 1988 and all associated legislation.

### **Safe Place of Work**

Shoreham Port Authority (SPA) will ensure that high standards of workplace safety are not only established but also maintained. It will achieve this by co-operating with the Health and Safety Executive, Maritime Coast Guard Agency and The Port Skills and Safety (Technical Services) Ltd in promoting and developing safety awareness, throughout the entire range of activities conducted within the port. It will also promote a working environment that is safe, without risk to health and which is adequate with regards to Engineering.

It will achieve a safe place of work by;

- The provision and maintenance of plant, equipment and systems of work, which are safe.
- Making arrangements for ensuring health, safety, and absence of risks in connection with the use of, handling, storage and transport of articles and substances.
- The provision of such information, instruction, training and supervision as is necessary to ensure the health and safety at work of its employees.

- The maintenance of any workplace under its control in a condition that is safe and without foreseeable risks to health including fire prevention and the provision of means of access to and egress from such a workplace that are safe and without such risks.
- Provision of appropriate protective clothing and safety equipment and ensuring that it is utilised at all times.
- Ensuring that employees and all other persons working to the SPA's instructions are aware of their own statutory duties under section 7 of the Health and Safety at Work Act 1974. To take care of themselves and others who may be affected by their acts or omissions at work, not to abuse or misuse anything provided in the interest of safety and to cooperate with SPA so as to enable it to carry out its own responsibilities successfully.
- Conducting its undertaking in such a way as to ensure that persons not in its employment who may be affected by SPA's activities are not exposed to risks to their health and safety.

## **Monitoring Performance**

Monitoring and recording of accidents, incidents and ill health as reported within the business. These statistics will be discussed at Board Meetings and Safety Committee Meeting. The production of measurable goals will be set, so that performance may be measured to aid reduction of such incident and business losses.

This statement is intended to establish a safe system for the prevention of accidents and injuries. SPA is aware of the benefits to the business through managing health & safety, and accepts the importance of having a supportive culture. Co-operation and commitment from everyone at all levels of the organisation, each of which are required to act responsibly in preventing injury to himself or others, and damage to the environment.

We support and encourage any feedback or improvement ideas to our Health and Safety policy and culture.

The allocation of duties for safety matters and the particular arrangements made to implement the policy are set out within the Health and Safety Manual and in the Port's Safety Management System. These documents are kept up to date as changes in working practices evolve and are reviewed on an annual basis.

### **1.9 Shoreham Port as Competent Harbour Authority**

Shoreham Port is a Competent Harbour Authority and has a duty and the authority to provide pilotage services.

### **1.10 The Legislative Framework of Shoreham Port.**

Whilst the byelaws made over the years have attempted to regulate conduct as diverse as organising a regatta, radioactive cargoes, ferocious dogs or offensive animals, underwater

swimming and signals controlling navigation, time has moved on and it clear that the byelaws need to be reviewed, the penalty provisions rationalised and modernised and the regulation of conduct within harbour limits made fit for purpose for the 21st century.

In addition to powers to make general byelaws, Shoreham Port also has powers under the Dangerous Substances in Harbour Areas Regulations 1987, to make byelaws with respect to the control of dangerous substances.

Byelaws and Directions are kept under regular review to ensure they remain fit for purpose in changing circumstances. Additional powers that may be required will be achieved through amendment of existing instruments or issue of new instruments as appropriate. By the same token, redundant or obsolete legal powers may be removed. A process of consultation is required for amendment and issue of new Byelaws and General Directions. Special Directions may be made at any time.

The requirements of these statutory instruments are defined by ongoing risk assessments undertaken as part of the safety management system.

Byelaws and Directions currently in force include:

By virtue of sec. 83 of the Harbours, Docks and Piers Clauses Act

For regulating the use of the harbour, dock, or pier:

For regulating the exercise of the several powers vested in the harbour master:

For regulating the admission of vessels into or near the harbour, dock, or pier, and their removal out of and from the same, and for the good order and government of such vessels whilst within the harbour or dock, or at or near the pier:

For regulating the shipping and unshipping, landing, warehousing, stowing, depositing, and removing of all goods within the limits of the harbour, dock, or pier, and the premises of the undertakers:

For regulating the use of fires and lights within the harbour, dock, or pier, and the premises belonging thereto, and within any vessel being within the harbour or dock, or at or near the pier, or within the prescribed limits (if any):

For preventing damage or injury to any vessel or goods within the harbour or dock, or at or near the pier, or on the premises of the undertakers:

For regulating the use of the cranes, weighing machines, weights and measures belonging to the undertakers, and the duties and conduct of all weighers and meters employed by them:

For regulating the duties and conduct of the porters and carriers employed on the premises of the undertakers and fixing the rates to be paid to them for carrying any goods, articles, or things from or to the same:

By virtue of sec. 72 of the Shoreham Harbour Act 1926

For preventing any part of any basin dock wharf quay warehouse street or other works or buildings specially appropriated or leased by the Trustees to or for any particular purpose

trade or business being used for any purpose so as to prevent or interfere with its use for the purpose for which it is so appropriated or leased:

For preventing and moving obstructions or impediments within the harbour and at the piers quays wharves and works and the roads and accesses thereto respectively:

For preventing and regulating the removal of boulders sand or shingle from the harbour so as to secure that such removal does not injuriously affect the harbour or works or navigation thereof:

For regulating the use of and the moving of carriages, wagons, trucks and animals and the moving of goods along the wharves and quays belonging to the Trustees and upon any overhead communications rails sidings and turn-tables of the Trustees:

For regulation the conduct of the owners masters and crews of vessels propelled by mechanical power and the rate of speed at which such vessels may proceed within the harbour and for requiring such vessels to stop or slow their engines at such times and places as the Trustees may require:

For regulating the taking on board landing or putting out passengers:

For regulating the towing of vessels within the harbour and the size and number of vessels to be towed at one time in one train or by one or more tug-boats the speed at which tug-boats shall proceed whether towing or not the order and manner in which the towage shall be given and the duties and conduct of all persons employed in or upon the tug-boats:

For regulating the conduct and behaviour of boatmen, lumpers, hoblors, jobbers, stevadores and others employed at or resorting to the harbour and the quays wharves and works of the Trustees whether in the employment of the Trustees or not:

For regulation the ballasting of vessels within the harbour or the order and manner in which they shall be supplied with ballast and the discharging removing or disposal of ballast:

For preventing the placing on the wharves quays and works of the Trustees or in or on any part of the harbour of any goods as the Trustees think fit to be permitted to be placed there and for providing for the removal of any such goods by the Trustees:

For regulating the moving whether on water or on land and the storing of and if the Trustees deem fit for preventing the bringing into the harbour explosives or other goods which the Trustees deem dangerous within the harbour:

For regulating the use of any overhead communications and works connected therewith:

By virtue of sec. 35 of the Shoreham Harbour Act 1949

For preventing nuisance and interference with the management repair and maintenance of the harbour and of the beach and foreshore for the time being belonging to the Trustees and any breakwaters piers groynes or other works constructed thereon.

By virtue of sec. 14 of the Shoreham Harbour Act 1962

For prescribing the lights and signals to be exhibited or made by vessels while being used navigated or moored within the harbour:

For prescribing the lights and signals to be exhibited or made by wreck-marking obstructions within the harbour:

For prescribing the lights and signals to be exhibited or made by vessels aground within the harbour:

For prescribing steering and sailing rules for the regulation of vessels used or navigated within the harbour:

By virtue of sec. 30 of the Shoreham Port Authority Revision Order 1978

For regulating the navigation of vessels with due care and attention and so as to avoid danger or injury to persons or property:

For preventing vessels becoming adrift in the Port:

For regulating the speed and the safe driving of vehicles within the Port:

For regulating the conduct of all persons (not being members of the Police force or the Fire service or officers or servants of the Crown or a Local Authority whilst in the exercise of their duties) employed at or resorting to the piers, quays, wharves, road, locks or property of the Port or to the waters thereof.

### **1.11 The Ability to Enforce the law.**

Marine Enforcement Ltd has carried out a Local Legislation Review and the conclusion is;

As with many ports the local legislation at Shoreham Port is mostly old and out of date and this makes it no longer fit for purpose.

The Byelaws in particular need to be rewritten to reflect the local measures that are needed to regulate conduct in a busy and varied port as it continues to expand during the beginning of the 21<sup>st</sup> century. Powers of demanding names and addresses and apprehending a suspect pending the arrival of the police would be useful. Penalties ought to be realistic and proportional to the offence and ideally the Harbour Authority should have the ability of issuing fixed penalty notices.

As with many ports the local legislation at Shoreham Port is mostly old and out of date and this makes it no longer fit for purpose.

The ability of the Harbour Master to give Special Directions and General Directions under limited circumstances and for the Harbour Authority to give General Directions in broader circumstances are very useful management tools yet the penalty provisions need to be brought up to date to provide worthwhile sanctions.

The Pilotage Directions are under review and will be rewritten.

The Port Marine Safety Code requires that all Harbour Authorities review their local legislation and this report fulfils that function. Given that the most recent local legislation was written nearly a quarter of a century ago and the rest of it is antiquated it should come as no surprise that the local legislation at Shoreham Port needs to be rewritten, simplified and focused so that it manages the risks associated with operating a vibrant and modern port

### **1.12 Interface with Other Documents**

This Safety Management System interfaces with a number of other documents, in particular with safety management systems operated by stakeholders (e.g. the Texaco oil terminal) and it will dovetail where port marine operations overlap and where Shoreham Port has a responsibility as duty holder.

This Safety Management System also interfaces with a number of Emergency Plans in particular:

- Shoreham Port Oil Spill Contingency Plan;
- Shoreham Port Emergency Plans;
- Shoreham Port's requirements under the ISPS Code.
- Vessel safety management systems produced under the ISM Code.

### **1.13 Document Review and Control Procedures**

This Safety Management System, the associated Standard Operating Procedures (SOPs) and Standard Forms (SF) are controlled documents ensuring that the contents are accurate, current and valid and that the most recent information is available to the relevant personnel.

The Safety Management System and its supporting policies and documentation will be reviewed every 5 years or when there is a major change in operations, whichever is the soonest.

### **1.14 Performance Monitoring:**

The performance of Marine Operations will be measured by a combination of both proactive and reactive measures.

These measures are:

Proactive – Periodic Audits, Reviews, Safety Inspections, Safety Committee Meetings

Reactive – Accident/Incident/Near Miss Reporting, Accident/Incident Investigation, Informal Reporting and Observations

The performance of the Port will be measured using a checklist for periodic formal checks on the operation of the Safety Management System to ensure that the operating procedures documented within the Safety Management System are functioning correctly. From this checklist the Port will evaluate performance and identify any lessons learnt and improvements to be made to hardware and/or operational procedures.

### **1.15 Audits:**

Annual audits and Management Review will be carried out by the Harbour Master, Deputy Harbour Master, Senior Pilot, Marine Operations Manager and Assistant Marine Operations Manager.

The standards for the audit process will be implemented by the Harbour Master in conjunction with guidelines set out in the Port Marine Safety Code. Shoreham Port's workplace audit teams will carry out audits as per the yearly schedule and will not carry out audits within their own respective departments; this will ensure the audit process is totally unbiased. The findings from the auditing process will be presented to the Board and Safety Committee annually.

### **1.16 Review:**

The Safety Management System will be formally and comprehensively reviewed every three years and updated and improved where necessary. The results of this review will be published.

## **2. Risk Management**

### **2.1 Risk Assessments**

All risks associated with Marine Operations are assessed in accordance with the requirements of the Port Marine Safety Code and are recorded in the:

SHOREHAM PORT AUTHORITY RISK REGISTER FOR MARINE OPERATIONS.

### **2.2 Accident, Incident and Defect reporting**

Shoreham Port has in place an Accident and Incident reporting system. All accidents, incidents, hazardous occurrences, ship defects or notable events must be reported as described in the Standard Operating Procedures.

These reports are logged and thereafter followed up by appropriate personnel.

Following an investigation, all remedial actions identified or recommended, including any requirements for additional training or amendments to the Safety Management System policies or procedures, will be kept under review and monitored. Only after all corrective actions are achieved can the incident report be closed out.

Reporting of incidents is actively encouraged in order to meet Shoreham Port's objective of continuously improving safety.

Any incident involving a pilot or person holding a pilotage exemption certificate will have a specific investigation undertaken by the Senior Pilot, the Harbour Master and where appropriate the Designated Person.

A 'Safety Circular Memo' will be produced and circulated to appropriate personnel following any significant incident where the incident investigation recommends new safety initiatives.

Accident analysis and the effectiveness of any precautions will form part of the audits of the Safety Management System.

Some accidents due to the nature or circumstances will require further statutory reporting to external bodies or Government agencies.

### **2.3 Informal / Formal Briefings**

In order to encourage a culture of individual participation in safety issues, the custom of undertaking informal briefings (Tool box talks) before engaging in any operation is promoted. Depending on the frequency of operations, these talks may be daily, weekly or ad-hoc. Formal discussions on the Safety Management System and safety issues will be regularly organised and recorded.

The Chief Executive and the Harbour Master have an "open door policy" and welcome any member of staff or stakeholders to discuss with them issues of safety. The Designated Person is also available to discuss issues of safety that remain of concern.

### **3. Conservancy**

#### **3.1 Introduction:**

Shoreham Port has a duty under the Port Marine Safety Code to:

- Conserve the harbour so that it is fit to use as a port and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it; and to
- Provide users with adequate information about conditions in the harbour.

In order to meet these duties and responsibilities, Shoreham Port has the following in place:

- Survey and maintenance dredging programme;
- Inspection and maintenance programme for Aids to Navigation;
- Programme of review for navigational aid requirements;
- Maintenance of proper hydrographic and hydrological records;
- Publication of information through Admiralty Charts and Notices to Mariners;
- Pilotage service for vessels requiring compulsory pilotage (see Section 6.4).

There is a duty to conserve a harbour so that it is reasonably fit for use as a port, and a duty of reasonable care to see that a harbour is in a fit condition for a vessel to use.

All operational procedures are set out in the Standard Operating Procedures.

#### **3.2 Hydrography:**

Two automatic tide gauges feed constant information on the tide to Shoreham Harbour Radio. A number of tide boards are also available. The Marine Services section maintains and verifies the accuracy of these devices and tide boards.

Records of all tidal readings are forwarded to the United Kingdom Hydrographic Office (UKHO).

A full and effective hydrographic survey programme has been established by the Port Hydrographer.

#### **3.3 Survey and maintenance dredging programme**

Shoreham Port has in place a survey and maintenance dredging programme, the frequency of which is based on risk assessment and on-going consultation. This programme is reviewed on a 5-yearly basis.

#### **3.4 Promulgation of Survey and Navigation Information:**

The Harbour Master shall ensure that all relevant parties/stakeholders are kept informed as soon as possible of any changes in the hydrographic status of the port or where changes within the harbour limits may impact on safe navigation using suitable warnings.

These warnings may in the first instance be broadcast over the appropriate VHF channel as a Traffic Information Broadcast and subsequently by the issuing of a Notice to Mariners.

Navigational information including (but not limited to) water depth, navigational hazards, harbour work, navigational lights and marks are published in a range of publications including Admiralty charts, relevant sailing and in Notices to Mariners.

The UK Hydrographic Office is notified of any permanent or temporary change in navigational marks and hazards for appropriate publication.

### **3.5 Navigational warnings**

If Shoreham Port becomes aware of any navigational hazard that is not presented on marine charts or other published navigational information, it will, having verified any reports received, publish a suitable warning through issue of a Notice to Mariners and during Traffic Information Broadcasts. Such navigational warnings may include (but not be limited to):

- Adverse weather conditions;
- Shipping movements;
- Changes in charted water depths;
- Damaged or malfunctioning Aids to Navigation;
- New or amended Aids to Navigation;
- Wrecks or abandoned vessels;
- New or temporary exclusion areas;
- Works in harbour areas; and
- Miscellaneous safety warnings.

If the navigational hazard is not of a temporary nature, changes to nautical charts and published information will be made if considered necessary by the UK Hydrographic Office

### **3.6 Dredging**

A Term Dredging Contract is in place with an external maintenance dredging contractor.

The works are the dredging and disposal of approx 40,000 to 80,000m<sup>3</sup> of material per annum.

Maintenance campaigns are anticipated to be 2 times per annum during the months of April and October.

The Harbour Master is to ensure that all necessary permits, licences and other such authorisations that are required for the proper execution of the works are in place.

Regular localised dredging (bed levelling) is also performed.

The Harbour Master will raise any requirement for capital dredging.

The Port Hydrographer undertakes hydrographic surveys pre and post dredging campaigns.

### **3.7 Wrecks and Salvage**

Shoreham Port has powers under Section 252 of the Merchant Shipping Act 1995 to mark or remove wreck or abandoned vessels, which in their opinion is, or is likely to become, an obstruction or danger to navigation. This power is exercised by use of the established risk assessment procedure with the aim of reducing the risk to ALARP. In the event of a vessel becoming a wreck the harbour authority will exercise their wreck marking and removal powers where a risk assessment indicates the wreck is likely to present an obstruction or a danger to navigation.

### **3.8 Regulating Harbour Works**

Any works to be carried out within or neighbouring harbour limits are planned in consultation with the Harbour Master to ensure navigational safety is not compromised. Shoreham Port uses its powers to licence these works.

## 4. Management of Navigation

### 4.1 Introduction

There is a general right of navigation in tidal waters, subject to payment of proper tolls and dues, and to the provisions of any laws regulating the operation of the harbour which impose special restrictions on the otherwise general freedom of navigation. It follows that harbours have the powers to regulate the entry and movement of ships within ports to ensure safety of navigation.

The general principles in relation to the management of navigation are:

- a) Ports have rules in byelaws and directions which every user must obey as a condition of his or her right to use the harbour.
- b) Harbour authorities have a duty to make proper use of powers to make byelaws, and to give directions (including pilotage directions) to regulate all vessel movements in their waters.
- c) These powers should be exercised in support of the policies and procedures developed in the authority's Safety Management System and should be used to manage the navigation of vessels.
- d) Harbour authorities should have clear policies on the enforcement of directions and should monitor compliance.
- e) Powers of direction should be used to require the use of port passage plans in appropriate cases – whether vessels are piloted or not.

The requirement for regulation of navigation has been identified through a process of ongoing risk assessment and consultation. Navigational control measures identified are implemented through a variety of mechanisms including byelaws, directions and Admiralty publications. Specific navigational management measures in place may include:

- Published navigation lights and marks;
- General directions and byelaws;
- Recommended navigation channels;
- Shoreham Harbour Radio;
- Traffic warnings;
- Pre-arrival notices of vessels that trade to sea;
- Special directions;
- Port Passage Planning;
- Requirement for compulsory pilotage of certain vessels.
- Towage.

The Harbour Master has the overall responsibility for the operational aspects of managing navigation within Shoreham Port and for exercising the authority's powers with regard to the safety of navigation.

All operational procedures are set out in the Standard Operating Procedures. These are reviewed on an annual basis in consultation with all marine staff and port users.

#### **4.2 Traffic Services/Shoreham Harbour Radio**

The regulation of navigation and vessel traffic movements throughout Shoreham Port is monitored and managed by Shoreham Harbour Radio which provides a Local Port Information Service.

The Deputy Harbour Master/Senior Pilot and Deputy Harbour Master/ Marine Operations are responsible for the effective management of Shoreham Harbour Radio.

The Duty Pilot is responsible for programming shipping movements on the tide and navigational issues over the commercial tide.

The Lockmaster and Assistants are responsible for marine communications through Shoreham Harbour Radio and ensure that all vessel movements take place safely and with due regard to the minimum of delay.

Guidance and instruction for the operational aspects of Shoreham Harbour Radio are addressed in Standard Operating Procedures.

During a commercial tide, 3 personnel will be on duty to see a commercial vessel into the Prince Philip lock and 2 personnel for a commercial vessel to depart the Prince Philip Lock.

VHF and telephone conversations are all recorded and can be used in any investigation into incidents in the harbour.

#### **4.3 Enforcement**

It is Board policy to enforce all legislation that applies to the harbour including byelaws and directions and they will oversee the issuing of warnings. The instigation of prosecutions in serious or repeated breaches of the legislation will be in accordance with the Enforcement policy and in consultation with the Police, MCA, Environment Agency and any other agencies with enforcement powers.

The Harbour Master maintains regular harbour patrols to assist in the effective regulation of marine conduct and the enforcement of appropriate local legislation.

#### **4.4 Communications**

The management of navigation depends upon effective two way communication between port personnel and vessels using the harbour.

The methods used in communicating with waterborne users are signal lights, shapes, loudhailer, telephones (fixed and mobile), fax, VHF radio and email.

Details of communication procedures can be found in the Standard Operating Procedures.

## **4.5 Passage Planning**

The Port Marine Safety Code requires that harbour authority's powers of direction should be used to require the use of port passage plans in appropriate cases, whether vessels are piloted or not.

The object of port passage planning and guidance is to ensure that:

- All parties know relevant details of any particular port passage in advance;
- There is a clear, shared understanding of potential hazards, margins of safety and the ship's characteristics;
- Intention and required actions are agreed for the conduct of the port passage, including use of tugs and their availability, and any significant deviation should it become necessary.

All vessels over 40 metres in length arriving or departing from the port are required to declare a passage plan. It is the responsibility of the Master of the vessel to ensure that this is forwarded to the Shoreham Harbour Radio prior to the time of notification of ETA/ETD. This can be done from the port of departure through the ships agent or from the vessel itself. The format of the passage plan is left to the discretion of the Master/PEC holder but attention is drawn to the International Chamber of Shipping's Bridge Procedures Guide.

If this cannot be provided at this time or in advance of the ships ETA/ETD the Harbour Radio operator shall require verbal confirmation that a plan has been prepared. The Master is then required to forward the plan to Harbour Radio at the first reasonable opportunity. In this instance the Duty Pilot/Lockmaster will report this fact to the Harbour Master.

For all vessels requiring a pilot the pilot will take a passage plan onboard to review with the vessel master as part of their Pilot/Master information exchange procedure.

## **4.6 Master/Pilot Information Exchange**

The exchange is recorded on a form which must be completed by the pilot engaged to provide pilotage advice to masters of vessels using the port. It ensures that both parties are aware of the plan for the act of pilotage. It records the details discussed as part of the passage plan, recording for both ship and pilot all relevant information with regard to the proposed act of pilotage.

Both the Master and the Pilot must sign the form prior to the commencement of the act of pilotage

## **4.7 Harbour Patrols**

The Harbour Master maintains regular harbour patrols to assist in the effective regulation and enforcement of navigational safety policy.

Harbour patrols play an important role in the management of navigation within port limits.

The objectives of a harbour patrol service are to:

- a) Maintain a visual presence and represent the Harbour Master
- b) Monitor aids to navigation
- c) Enforce port byelaws and directions
- d) Collect evidence following an incident
- e) Conduct spot checks on navigational documents
- f) Assist craft in difficulty
- g) Act as forward control during port emergencies
- h) Escort vessels in difficulty
- i) Control and direct traffic
- j) Monitor craft licensed by the authority
- k) Conduct surveillance of licensed works and moorings.

#### **4.8 Recreational Navigation**

Byelaws and general/special directions provide the main formal statutory mechanism for managing recreational navigation.

The authority may need to consult with organisers of recreational events within harbour limits about the need for risk assessments.

In approving any event the Harbour Master needs to be satisfied that the risks associated with marine operations have been managed to As Low As Reasonably Practical. The Harbour Master also needs to ensure that the event organiser has consulted with and has met the requirements of the MCA, RNLI, Emergency Services and the Local Authority.

Recreational navigation within Shoreham Port includes a wide range of differing activities and craft types including power boats, cabin cruisers, yachts, sailing dinghies, rowing sculls, canoes, fishing boats, personal watercraft.

The co-operation of recreational users is best assured by comprehensive consultation and dialogue. To this end Shoreham Port will make available to all users published material of relevance to the safety of navigation including byelaws/directions, notices to mariners, details of facilities, advice and port emergency arrangements.

## 5. Pilotage

The Harbour Master has the overall responsibility for the operational aspects of managing pilotage within Shoreham Port. However the ultimate responsibility and accountability lies with the Board (Duty Holder) to ensure that all necessary systems are in place to support this process.

The requirement for pilotage within Shoreham Port has been determined by using a risk assessment, which forms the basis for preparing the Pilotage Directions. These are to be reviewed every 3 years.

Prior to issuing new pilotage directions the authority will consult with ship owners that use the port and those who conduct operations within the port including towage companies, pilots and pilot cutter coxswains.

Pilots are ultimately responsible to the Harbour Master however during the act of pilotage they are also responsible to the Master/Owner of the vessel being piloted.

Pilots are appointed and authorised by the board as the competent harbour authority.

Details of pilotage/pilot cutter procedures can be found in the Standard Operating Procedures.

Details of the application of compulsory pilotage for Shoreham Port are defined in the Shoreham Port Authority Revision Order (Pilotage) 1988.

Shoreham Port has strict procedures for the issue, renewal and management of Pilotage Exemption Certificates (PEC's). A current list of PEC holders is kept. Details for the granting of PEC's are defined in the Shoreham Port Authority Pilotage Guidance Note for Shoreham Port and its approaches.

The Pilotage service is provided by 5 employed pilots under a contractual memorandum of agreement.

Pilots training consists of a period of six to eight weeks in which a minimum of 100 pilotage acts are undertaken and his/her skills have been demonstrated to the satisfaction of the overseeing authorised pilots. This is to include all areas of the port, night and day, in various tidal and weather conditions. This will culminate in an oral examination before third class authorisation is granted. The training will be based on the Competence Standards for Marine Pilots as annexed to the PMSC.

Progression to second class and then to first class will be decided by the Harbour Master and Senior Pilot.

Professional development training will be made available using recognised training mediums.

## **6. Marine Services**

### **6.1 Introduction:**

For the purposes of this Safety Management System the term “ marine services” is taken to mean the full range of support activities which assist the harbour authority to maintain the safety of navigation, protect the environment and to manage the hydrography of the port and includes:

- Regulation of port craft
- Towage
- Workboats and berthing operations
- Salvage
- Diving operations
- Dredgers

This general principle will ensure that:

- a) The Safety Management system covers the use of harbour craft and the provision of moorings
- b) The formal assessment identifies the need for, and potential benefits for safety management of harbour craft
- c) Harbour vessels or craft that are used in the harbour are fit for purpose and that the crew are appropriately trained and qualified for the tasks they are likely to perform
- d) Byelaws and the power to give directions are available for these purposes

The Harbour Master has the overall responsibility for the operational aspects of managing marine services within Shoreham Port. However the ultimate responsibility and accountability lies with the Board (Duty Holder) to ensure that all necessary systems are in place to support this process.

### **6.2 Regulation of Port Craft:**

Shoreham Port owns, manages and maintains two pilot cutters, one harbour tug, one hydrographic survey vessel, one general purpose workboat, one patrol craft and one dive vessel.

Inspections, together with a comprehensive reporting and maintenance regime ensure the vessels remain fit for purpose.

The Harbour Master is to ensure that all vessels which operate in the harbour are compliant with the requirements of the Small Commercial Vessel and Pilot Boat (SCV) Code and are operated in accordance with any conditions specified in the vessel's certificate.

### **6.3 Towage:**

The requirements/procedures for the use of tugs in port operations are set out in the Standard Operating Procedures

Utilisation of the harbour tug at the Master's request or the Harbour Master's/Pilot's discretion and is at all times subject to the availability of the tug and crew and to the UK Standard Conditions for Towage and Other Services (1983).

Under normal circumstances 12 hours notice is required for the harbour tug.

If for whatever reason tug assistance is unavailable at Shoreham Port all relevant stakeholders are to be informed as soon as possible.

### **6.4 Diving Operations:**

Shoreham Port has implemented a Diving Permit to Work system to ensure that there is a high level of awareness of diving operations throughout the port.

The only Divers with standing permission to dive in the Port area are the Ports own diving team.

Other diving teams and companies may only dive with a specific permit.

Procedures and rules for issuing permits are as contained in Standard Operating Procedures.

For diving in the vicinity of a ship a specific Risk Assessments must be completed. This may require the immobilisation of the vessel.

**NO DIVING WHATSOEVER IS ALLOWED ON VESSELS IN THE TIDAL AREAS OF THE PORT. SHOULD A VESSEL IN THESE AREAS REQUIRE DIVERS THE SHIP SHOULD BE MOVED EITHER INTO THE CANAL OR OUT TO SEA.**

## **7 Aids to Navigation**

### **7.1 Trinity House**

As a General Lighthouse Authority under the Merchant Shipping Act 1995, Trinity House has the responsibility for general superintendence and management of all lighthouses, buoys or beacons. They have a duty to inspect all lighthouses, buoys, beacons and other Aids to Navigation belonging to or under the management of a Local Lighthouse Authority (LLA) and may give directions to a LLA.

### **7.2 Local Lighthouse Authority**

Shoreham Port has the power and responsibility to install and maintain navigational marks and lights within its Harbour Authority area or on harbour land.

Shoreham Port as the LLA may not erect, remove or change any navigational mark or light without the consent of Trinity House. All approved installations or changes are notified to users and the UK Hydrographic Office through issue of a Notice to Mariners prior to any installation or change being made.

### **7.3 Inspection and maintenance**

All navigational marks and lights owned and maintained by Shoreham Port are listed. These Aids to Navigation are established and maintained in accordance with the availability criteria laid down by the Trinity House. In order to meet these criteria, a rolling-programme of inspection and maintenance is undertaken.

The Harbour Master maintains records of availability. In addition Trinity House's record system PANAR will be maintained and defects recorded using this system.

### **7.4 Review of Aids to Navigation**

Risk assessment and ongoing consultation have determined the requirement for Aids to Navigation in Shoreham Port. The effectiveness and need for new or amended Aids to Navigation is reviewed on a 5-yearly basis and sooner if required.

## **8. National Occupational Standards (NOS)/Training/Continuing Professional Development (CPD)**

Shoreham Port Authority recognises that training, adherence to NOS and CPD are essential elements within the Safety Management System.

Further to current NOS where personnel perform tasks such as towage operations, diving, surveying and dredging the appropriate standards will be used as a basis for ensuring competency.

It is Shoreham Port Authority policy to assess the fitness of all persons appointed to positions with responsibility for marine safety and the authority understands the importance of having a proper separation between marine safety and the commercial functions within the port.

The Harbour Master has the overall responsibility for ensuring the operational competency of marine personnel within Shoreham Port. However the ultimate responsibility and accountability lies with the Board (Duty Holder) to ensure that all necessary systems are in place to support this process.

The assessment and review of marine personnel will include the following:

- a) Board
- b) Designated Person
- c) Chief Executive
- d) Harbour Master
- e) Pilots
- f) Lock Co-ordinators
- g) Marine Operations
- h) Marine Operatives
- i) Contracted Companies

The competence assurance process is linked directly to considered personnel selection and recruitment procedures, relevant job descriptions and appropriate pre-determined recruitment selection criteria.

The process comprises four stages namely pre job, induction training, supervision/on the job training and competence.

The principles of competence assurance should also be followed when recommending authorisation of a Pilot Exemption Certificate.

To ensure that all staff remain abreast of developments and to prevent any decline in the level of competence and skills of either management or staff relevant training and instruction shall be repeated periodically as appropriate.

All training and instruction provided to employees will be duly recorded and kept in a secure training matrix file.

## **9. Emergency Preparedness and Response**

The Port Marine Safety Code states that the Safety Management System should include preparations for emergencies and that these should be identified as far as practicable from the formal risk assessment. It also states that these should be published and exercised.

Shoreham Port has established emergency response plans and procedures to address specific marine emergency incidents.

Training exercises and drills are programmed on a regular basis (as per exercise/drill matrix) to familiarise and update staff on these emergency procedures and to exercise individual response actions and communication structures. Appropriate staff training and emergency exercise records are maintained.